

[< Previous](#)[Next >](#)**O.C.G.A. § 40-5-28****Copy Citation**

Current through Act 6 of the 2025 Regular Session of the General Assembly but not including corrections and changes made by the Office of Legislative Counsel.

[Official Code of Georgia Annotated](#) [TITLE 40 Motor Vehicles and Traffic \(Chs. 1 – 16\)](#) [CHAPTER 5 Drivers' Licenses \(Arts. 1 – 8\)](#) [Article 2 Issuance, Expiration, and Renewal of Licenses \(§§ 40-5-20 – 40-5-39\)](#)

40-5-28. Issuance and contents of licenses; county tag agents; Class E and Class F licenses for volunteer firefighters.

(a) Except as provided in subsection (c) of this Code section, the department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a photograph of the licensee, the licensee's full legal name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. A license issued pursuant to this subsection shall be in a physical format and, upon election of the applicant, an additional electronic format which is capable of being viewed upon a wireless telecommunications device as such term is defined in Code Section 40-6-241. The department shall not require applicants to submit or otherwise obtain from applicants any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application.

(b) The commissioner may determine the location and manner of issuance of drivers' licenses. Without limiting the generality of the foregoing, it is specifically provided that the commissioner may designate county tag agents, if they so agree, as agents of the department for this purpose and may authorize the issuance of drivers' licenses by county tag agents. No county tag agent shall be required to issue or renew drivers' licenses unless such county tag agent agrees in writing to perform such functions. No county tag agent shall be



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- (c) The department shall make available to qualified applicants who are also volunteer firefighters Class E and Class F drivers' licenses without charge. In order to receive the Class E or Class F endorsement without payment of a fee, the applicant shall provide:
- (1) A copy of his or her firefighter certification indicating that he or she is currently a certified firefighter in good standing; and
 - (2) A letter signed by the chief executive officer of the public entity he or she serves which letter appears on such political entity's official agency letterhead and provides that he or she is a volunteer firefighter for such public entity.

The provisions of this subsection shall apply to both original and renewal applicants for Class E and Class F licenses, as these classes are identified in Code Section 40-5-23.

History

Code 1933, § 68B-209, enacted by Ga. L. 1975, p. 1008, § 1; Ga. L. 1990, p. 2048, § 4; Ga. L. 1996, p. 1250, § 4; Ga. L. 2005, p. 334, § 17-8/HB 501; Ga. L. 2005, p. 1122, § 3/HB 577; Ga. L. 2010, p. 932, § 8/HB 396; Ga. L. 2014, p. 710, § 6-1/SB 298; Ga. L. 2015, p. 60, § 4-12/SB 100; Ga. L. 2020, p. 199, § 3-2/HB 463.

▼ Annotations

Notes

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2005, in the last sentence of subsection (a), a comma was deleted following "limitation" and a comma was added following "photograph".

Editor's notes.

Ga. L. 2015, p. 60, § 6-1/SB 100, not codified by the General Assembly, provides that: "Section 4-9 of Part IV of this Act shall become effective on January 1, 2016, and all other parts of this Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date."

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Constitutionality of fingerprint requirement. —

Privacy Act of 1974 (5 U.S.C. § 552a)

does not apply to the provisions of O.C.G.A. § 40-5-28 regarding fingerprinting. 1997 Op. Att’y Gen. No. U97-33.

Research References & Practice Aids

Law reviews.

For comment, “You Better Smile When You Say ‘Cheese!’: Whether the Photograph Requirement for Drivers’ Licenses Violates the Free Exercise Clause of the First Amendment,” see 61 Mercer L. Rev. 611 (2010).

RESEARCH REFERENCES

Am. Jur. 2d.

7A Am. Jur. 2d, Automobiles and Highway Traffic, § 100.

C.J.S.

60 C.J.S., Motor Vehicles, § 353 et seq.

Hierarchy Notes:

O.C.G.A. Title 40

O.C.G.A. Title 40, Ch. 5

O.C.G.A. Title 40, Ch. 5, Art. 2

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